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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: PATENT APPLICATION OF:

Inventor: John F. Finley
Serial No. 09/704,808
Filing Date: 11/02/2000

ART UNIT NO. 3712
Examiner: Bena Miller

Application Title: WILD GAME CALLER HOUSING

TO THE HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS
Washington, DC 20231

REQUEST FOR RECONSIDERATION OF FINAL

ACTION MAILED 20 APRIL 2004

Applicant John F. Finley ("Applicant"), through the undersigned attorney of record, respectfully requests reconsideration of the Final Action mailed 20 April 2004 (the "Final Action"), and confirms the material substance of the Telephone Interview with the Supervisory Examiner on 12 July 2004 (the "Telephone Interview"), as follows:

The Telephone Interview primarily concerned U.S. Patent No. 6,471,563 issued to Carlton, recently cited by the Patent Office, as applied against claims 1 and 11 of the pending application. The '563 Patent discloses a game call having an integral dome-shaped resonant cavity coupled atop a latex diaphragm frame, and includes a flexible hose-like sound chamber commencing and extending outside the user's oral cavity; said patent issued from an application filed 10 January 2001 (after the filing date of the

CERTIFICATE OF TRANSMISSION

I, Joe D. Calhoun, hereby certify that this correspondence is being transmitted via Telefax to the Commissioner for Patents at Central Telefax number 703-872-9303, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on 20 July, 2004.

Joe D. Calhoun


Date

pending application), which was a continuation-in-part of an application filed before the filing date of the pending application. The examiner appeared persuaded that the invention of claim 1 and claim 11 of the pending application was distinguishable over the new matter disclosed in the '563 Patent, to the extent that the '563 Patent is considered a reference predating the pending application. The examiner also appeared persuaded that the invention of claim 1 and claim 11 of the pending application was distinguishable over the earlier cited prior art, primarily because no prior art discloses a housing having elasticity providing resilience to the housing, permitting the housing to flex open to either capture or release a frame containing a reed.

Applicant respectfully requests reconsideration of the Final Action and withdrawal of the final rejection, and Applicant submits that the amendments and reasoning set forth and discussed in the Amendment And Response After Final Action Mailed 20 April 2004 fully satisfy all rejections set forth in the Final Action. Applicant thanks the Examiner for all assistance in this matter. Applicant believes that all rejections have been satisfied, so that claims 1 - 6, 8 - 20, and 22 of this Application are in condition for allowance as a utility patent.

Respectfully submitted by:

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[Patent Bar Reg. # 40,293]

cc: John Finley